

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CV-154-FL

WEYLON SCOTT BROWN,

Plaintiff,

v.

UNITED STATES OF AMERICA,
FRANK BROSTROM, FBI Agent, and
UNITED STATES DEPARTMENT OF
DEFENSE,

Defendants.

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., regarding plaintiff’s motion to proceed in forma pauperis and frivolity review of plaintiff’s complaint. (DE 8). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.


The district court reviews de novo those portions of a magistrate judge’s M&R to which specific objections are filed. 28 U.S.C. § 636(b). Absent a specific and timely filed objection, the court reviews only for “clear error,” and need not give any explanation for adopting the M&R. Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983).

In this case, the magistrate judge correctly determined that plaintiff has demonstrated appropriate evidence of inability to pay the required court costs. The law requires a further analysis under 28 U.S.C. § 1915(e)(2)(B), and here the magistrate judge determined the complaint fails to state a claim and is frivolous. The magistrate judge thoughtfully presented the reason why the United States Congress enacted such a law and explained the standard to be applied in this instance.

See, e.g., McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009). And he discussed in great detail the claims sought to be asserted.

The court cannot find fault with the magistrate judge's analysis on the record of the case. It is compelled to ADOPT the M&R, DENY the application to proceed in forma pauperis, and DISMISS WITHOUT PREJUDICE the complaint.

SO ORDERED, this the 12th day of August, 2019.



LOUISE W. FLANAGAN
United States District Judge